HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16953 of 2003

Dated:30.11.2006

Between:

Raja Bahadhur Sir Bansilal Motilal Charitable Trust.

…Petitioner

and

The Govt. of A.P., and others.

…Respondents

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WRIT PETITION No.16953 of 2003

ORDER:

The petitioner is a Trust, which built 527 houses in the land admeasuring 28 acres 349 square yards situated at Bansilalpet, Secunderabad. It appears, when antisocial elements made attempts to usurp the property, the petitioner approached the fourth respondent seeking necessary protection and eviction of encroachers. Despite the same, the property was encroached by encroachers. It appears, the residents of Bansilalpet wrote a letter on 24.06.2003, from which the petitioner came to know that the Revenue Divisional Officer and the Mandal Revenue Officer are trying to conduct survey and making attempts to issue pattas to encroachers. It is also alleged that these Officials visited the spot and collected data from the encroachers. Apprehending that the respondents might take action to issue pattas in respect of the Trust property the petitioner filed the present Writ Petition and obtained interim orders on 13.08.2003.

In the counter affidavit filed by the third respondent along with W.V.M.P.No.2160 of 2006, the allegation made by the petitioner that respondents are taking steps to issue pattas is admitted. It is admitted that Trust property has been encroached by large number of people and that it is for the Trust to take necessary action against

encroachers. It is also alleged that in the guise of the interim order, the petitioner-Trust is causing obstruction for issuance of patta certificates in the Government land in T.S.No.1, Block-H, Ward No.108. The petitioner has not filed any reply affidavit denying the allegation.

A perusal of the counter affidavit would show that the Writ Petition is filed making all false and frivolous allegations against the respondents. The petitioner-Trust admittedly constructed 527 houses and it is for the petitioner to protect it than resorting to depend on the Officials even though there was no such attempt to issue pattas in respect of the Trust-property. They filed the present Writ Petition without verifying and without approaching the respondents for necessary clarification.

The Writ Petition is therefore, dismissed with costs quantified at Rs.2,000/- (Rupees Two Thousand only).

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(V.V.S.RAO, J)

30.11.2006
vs